

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

William Hoefer, #275683,	)	C/A No. 3:11-2148-JFA-JRM
	)	
Petitioner,	)	
	)	
vs.	)	ORDER
	)	
Robert M. Stevenson, III, Warden, Broad River	)	
Correctional Institution,	)	
	)	
Respondent.	)	
_____	)	

The *pro se* petitioner, William Hoefer, is an inmate with the South Carolina Department of Corrections. He brings this action pursuant to 28 U.S.C. § 2254 challenging his state court conviction for second degree criminal sexual conduct.

The Magistrate Judge assigned to this action<sup>1</sup> has prepared a Report and Recommendation and opines that summary judgment should be granted to the respondent because the petitioner's two grounds for relief are procedurally barred. The respondent has filed a motion for summary judgment. An order was then issued pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975) notifying petitioner of the summary dismissal procedure and possible consequences if he failed to adequately respond to the motion for summary judgment. Petitioner responded in opposition to the motion.

The petitioner was also advised of his right to file objections to the Report and


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<sup>1</sup> The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

Recommendation, which was entered on the docket on March 19, 2012. However, the petitioner did not file any objections to the Report within the time limits prescribed. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation proper and incorporated herein by reference. Accordingly, the respondent's motion for summary judgment (ECF No. 13) is granted and this action is dismissed with prejudice.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.  
United States District Judge

April 10, 2012  
Columbia, South Carolina